

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

1201 NORTH MARKET STREET  
P.O. Box 1347  
WILMINGTON, DELAWARE 19899-1347

302 658 9200  
302 658 3989 FAX

**MARY B. GRAHAM**  
**302.351.9199**  
**mgraham@mnat.com**

May 4, 2006

The Honorable Gregory M. Sleet  
United States District Court  
844 N. King Street  
Wilmington, DE 19801

**VIA E-FILING AND HAND DELIVERY**

Re: *Abbott Diabetes Care, Inc. v. DexCom, Inc.*  
C.A. No. 05-590 (GMS)

Dear Judge Sleet:

I write on behalf of Abbott Diabetes Care. Since briefing was completed on DexCom's motion to stay this case pending reexamination, DexCom has written several letters to the Court which purport to apprise the Court of relevant changes to the record that allegedly support its motion to stay and which otherwise introduce further argument on that motion (D.I. 46, 47, 49). Indeed, DexCom asserts that all of the issues raised in Abbott's opposition to the motion are now moot (D.I. 49). In fact, DexCom's letters incompletely and inaccurately portray the events that have occurred and, to the extent the record has changed, those changes do not lessen the importance of Abbott's patent infringement claims proceeding at this time. Because DexCom's glucose monitoring device is not as accurate as Abbott's cutting-edge device (which will truly change the way that diabetics manage and care for their disease and as to which Abbott is seeking to speed up the time when it gets regulatory approval), the longer DexCom is permitted to sell its device, the greater the likelihood that the market will be spoiled and that long-term patient care will be affected.

We write to ask that the Court either ignore or strike DexCom's letters or that Abbott be given an opportunity to put in its own record supplementation and to respond to DexCom's factual assertions and argument in writing or at an oral argument scheduled at the Court's convenience.

Respectfully,

*/s/ Mary B. Graham*

Mary B. Graham (#2256)

cc: Dr. Peter T. Dalleo, Clerk (via hand delivery and e-filing)  
John W. Shaw, Esquire (via hand delivery and e-filing)  
David C. Doyle, Esquire (via facsimile)  
James F. Hurst, Esquire (via facsimile)